

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 234

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE SEXUAL OFFENDER REGISTRATION ACT; AMENDING SECTION 18-8329, IDAHO CODE, TO REVISE PROVISIONS RELATING TO REGISTERED SEXUAL OFFENDERS AND ACCESS TO SCHOOLS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 18-8329, Idaho Code, be, and the same is hereby amended to read as follows:

18-8329. ADULT CRIMINAL SEX OFFENDERS -- PROHIBITED ACCESS TO SCHOOL CHILDREN -- EXCEPTIONS. (1) If a person is currently registered or is required to register under the sex offender registration act as provided in chapter 83, title 18, Idaho Code, it is a misdemeanor for such person to:

(a) Be upon or to remain on the premises of any school building or school grounds in this state, or upon other properties posted with a notice that they are used by a school, when the person has reason to believe children under the age of eighteen (18) years are present and are involved in a school activity or when children are present within thirty (30) minutes before or after a scheduled school activity.

(b) Knowingly loiter on a public way within five hundred (500) feet from the property line of school grounds in this state, including properties posted with a notice that they are used by a school, when children under the age of eighteen (18) years are present and are involved in a school activity or when children are present within thirty (30) minutes before or after a scheduled school activity.

(c) Be in any conveyance owned or leased by a school to transport students to or from school or a school-related activity when children under the age of eighteen (18) years are present in the conveyance.

(d) Reside within five hundred (500) feet of the property on which a school is located, measured from the nearest point of the exterior wall of the offender's dwelling unit to the school's property line, provided however, that this paragraph (d) shall not apply if such person's residence was established prior to July 1, 2006.

~~(e) The posted notices required in this subsection (1) shall be at least one hundred (100) square inches, shall make reference to section 18-8329, Idaho Code, shall include the term "registered sex offender" and shall be placed at commonly used all public entrances to the property. In addition, there shall be at least one (1) notice posted every six hundred sixty (660) feet along the property line.~~

(2) The provisions of subsections (1) (a) and (1) (b) of this section shall not apply when the person:

(a) Is a student in attendance at the school; or

~~(b) Is attending an academic conference or other scheduled extracurricular school event with school officials present when the offender is~~

~~a parent or legal guardian of a child who is participating in the conference or extracurricular event. "Extracurricular" means any school-sponsored activity that is outside the regular curriculum, occurring during or outside regular school hours including, but not limited to, academic, artistic, athletic or recreational activities; or~~

~~(e) Resides at a state licensed or certified facility for incarceration, health or convalescent care; or~~

~~(d) Is dropping off or picking up a child or children and the person is the child or children's parent or legal guardian; or~~

~~(e) Is temporarily on school grounds, during school hours, for the purpose of making a mail, food or other delivery; or~~

~~(f) Is exercising his right to vote in public elections; or~~

~~(g) Is taking delivery of his mail through an official post office located on school grounds; or~~

~~(h) Has written permission from a school principal, vice-principal, or the equivalent, to be on the school grounds or upon other property posted with a notice that the property is used by a school; or~~

~~(i) Stays at a homeless shelter or resides at a recovery facility if such shelter or facility has been approved for sex offenders by the county sheriff or municipal police chief; or~~

(f) Contacts the school district office annually and prior to his first visit of a school year and has obtained written permission from the district to be on the school grounds or upon other property posted with a notice that the property is used by a school. For the purposes of this section, "contacts the school district office" shall include mail, facsimile machine, or by computer using the internet. The provisions of this subsection are required for an individual who:

(i) Is dropping off or picking up a child or children and the person is the child or children's parent or legal guardian; or

(ii) Is attending an academic conference or other scheduled extracurricular school event with school officials present when the offender is a parent or legal guardian of a child who is participating in the conference or extracurricular event. "Extracurricular" means any school-sponsored activity that is outside the regular curriculum, occurring during or outside regular school hours including, but not limited to, academic, artistic, athletic or recreational activities; or

(iii) Is temporarily on school grounds, during school hours, for the purpose of making a mail, food or other delivery.

(3) Nothing in this section shall prevent a school district from adopting more stringent safety and security requirements for employees and nonemployees while they are in district facilities and/or on district properties. If adopting more stringent safety and security requirements, the school district shall provide the requirements to any individual listed in subsection (2) (f) (i) through (iii) by mail, facsimile machine or by computer using the internet.